

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 21-mj-1043

PEDRO MELENDEZ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of July 10, 2020, in the Western District of New York and elsewhere, the defendant violated 18 U.S.C. §§ 2251(a) and 2422(b), offenses described as follows:

The defendant knowingly attempted to employ, use, persuade, induce, entice, or coerce, any minor to engage in, with the intent that such a minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, in violation of Title 18, United States Code, Section 2251(a); and

The defendant knowingly, using a facility or means of interstate or foreign commerce, attempted to persuade, induce, entice or coerce an individual who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b).

This Criminal Complaint is based on these facts:

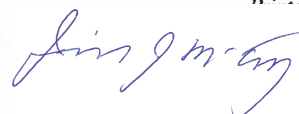
☒ Continued on the attached sheet.


Complainant's signature

JEFFREY M. MCAULIFFE
TASK FORCE OFFICER
FEDERAL BUREAU OF INVESTIGATION
name and title

Sworn to before me and signed telephonically.

Date: January 27, 2021


Judge's signature

City and State: Buffalo, New York

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Jeffrey M. McAuliffe, being duly sworn, depose and say:

1. I am an Investigator employed by the Niagara County Sheriff's Office, Bureau of Criminal Investigation, located in the County of Niagara, State of New York. I have been employed by the Niagara County Sheriff's Office since 2000. I am currently assigned as a Task Force Officer ("TFO") to the Federal Bureau of Investigation ("FBI"), Buffalo Field Office, Violent Crimes Against Children Task Force, Innocent Images National Initiative, which targets individuals involved in the on-line sexual exploitation of children, and have been so employed since January, 2014. As part of my daily duties as a Task Force Officer with the FBI, I investigate crimes involving child exploitation and child pornography including violations of Title 18, United States Code, Sections 2251, 2252, and 2252A (Producing, Receiving, and Possessing Child Pornography). I have received specialized training in the area of child pornography and child exploitation, and I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252, and 2252A. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **PEDRO MELENDEZ** (“MELENDEZ”), with violations of Title 18 U.S.C. Sections 2251(a) and 2251(e) (Attempted Production of Child Pornography) and 2422(b) (Attempted Enticement).

3. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, my training and experience, and the review of documents and records. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that MELENDEZ violated Title 18, United States Code, Sections 2251(a) and 2251(e) (Attempted Production of Child Pornography) and 2422(b) (Attempted Enticement).

BACKGROUND OF INVESTIGATION

4. On July 12, 2020, the Buffalo FBI office received a tip via the FBI National Threat Operation Center (NTOC) detailing ongoing, online sexual communications between MELENDEZ and an 11-year-old female (hereinafter “MINOR VICTIM”). The tip outlined how MELENDEZ met MINOR VICTIM online while playing video games together. MINOR VICTIM told MELENDEZ that she was only 11-years-old and that she lived in Connecticut. MELENDEZ used several email and PlayStation accounts to communicate with MINOR FEMALE, including: email account *needapic1012@gmail.com* with the corresponding PlayStation account *Pedrocheesey*; email account

ZXChannel@outlook.com with the corresponding PlayStation account *PJZeroX94*; and email account *PJZeroX1994@gmail.com* with the corresponding PlayStation account *PedroTheKnight94*. MINOR VICTIM used the online account *Bella_wolfy8*. The tip also described the sexual communications between MELENDEZ and MINOR VICTIM. MELENDEZ sent images of his penis to MINOR VICTIM. MELENDEZ also asked MINOR VICTIM to sneak her mom or dad's phone so that she could send pictures of herself to MELENDEZ. MELENDEZ told MINOR VICTIM that he would delete the images after viewing. MELENDEZ told MINOR VICTIM that he wanted to "cum in her mouth."

5. Database checks were conducted which resulted in information linking MELENDEZ to an address in Niagara Falls, NY. Following up on this information, on July 27, 2020, TFO Schmidt and your affiant went to 1116 15th Street, Niagara Falls, NY, 14301 to interview MELENDEZ at his house. After several minutes, we were greeted at the door by MELENDEZ's wife who advised that MELENDEZ was not home at this time. She provided us with his phone number, 716-367-3282. I called and spoke with MELENDEZ on the phone, and we made arrangements to meet at his house the next day.

6. On July 28, 2020, Niagara County Sheriff's Office Lieutenant Steen and your affiant met with MELENDEZ at his residence. MELENDEZ lead us to the back-patio area of the home where we sat outside and talked. While speaking with MELENDEZ, we discussed his internet usage, email accounts, and gaming activities. We discussed his use of Sony PlayStation and specifically the use of the PlayStation app on his phone.

MELENDEZ admitted that he had been communicating with an eleven-year-old girl named “Bella” online. He explained that they met while playing a game called “Dead by Daylight.” MELENDEZ admitted that their conversation included sexual talk and that he sent pictures of his penis to MINOR VICTIM. MELENDEZ also admitted that he asked MINOR VICTIM to send naked images of herself to him. MELENDEZ said that the MINOR VICTIM did send him images, including a naked picture. MELENDEZ explained that he did not believe that the naked image MINOR VICTIM sent to him actually depicted MINOR VICTIM. Instead, MELENDEZ said he thought she “googled it” as it appeared to be an image from the internet.

7. MELENDEZ provided written consent for the search of his Motorola phone, model: XT1952-4, M3098 with passcode “2465” (“SUBJECT PHONE”). MELENDEZ scrolled through SUBJECT PHONE as I watched him navigate between the multiple PlayStation accounts. He explained that he used multiple accounts to hide his activity from his wife who had seen some of his messages at one time. After reviewing SUBJECT PHONE and some of the messaging on screen, I provided MELENDEZ with a property receipt so that a more thorough search could be performed. At the conclusion of the interview, I summarized our discussion in a statement of fact and asked MELENDEZ to read it over and make any corrections if necessary. MELENDEZ made one correction to the statement, citing that he and the MINOR VICTIM met while playing the online game; “Dead By Daylight”, after which he then signed and printed his name on the statement.

8. On August 10, 2020, I completed the review of the PlayStation App on SUBJECT PHONE. During the review, I observed three different conversations between MELENDEZ and MINOR VICTIM. In one of the conversations, MELENDEZ utilized the screen name “PedroTheKnight94” while he conversed with “Bella_wolfy8.” The “PedroTheKnight94” username was previously identified by MELENDEZ as being one of his accounts. “Bella_wolfy8” was identified by MELENDEZ as being MINOR VICTIM. In this conversation, MELENDEZ acknowledged that MINOR VICTIM was only 11-years-old stating “[h]ow old are you G said you were 11.” (MELENDEZ explained that “G” is another online friend of his). MINOR VICTIM confirmed her age replying, “I am 11 why?” After confirming the age of MINOR VICTIM, MELENDEZ continued to make sexual comments referring to oral sex; “[y]ea but if I come out say you ready to choke on a fat one with that pretty mouth that’s not right lol,” “probably suck my soul,” and “[w]hen. Girls give good head guys call it sucking your soulnout (sic).” MELENDEZ also made comments referencing anal sex: “I wanna clap cheeks sike,” “[l]ike I said ya ain’t ready for that,” and “I put a meat stick in your anus lmao.” MELENDEZ sent images of his face and two images of a penis, which he purported to be his own. MELENDEZ told MINOR VICTIM that she should delete her messages, saying “[t]hen ya might show people then I’m a pedophile”. MELENDEZ later tells MINOR VICTIM that he is 25 years old and says “[o]nly because your young enough to be my kid.”

9. MELENDEZ asked MINOR VICTIM to send a picture of herself to him. When MINOR VICTIM offered to use her dad’s phone to send a picture, MELENDEZ responded “[m]ean don’t want him to get suspicious.”

10. During my review, I observed additional messages between the MINOR VICTIM using the screen name “Bella-wolfy8” and MELENDEZ who also utilized the screen name “PJZeroX94.” During these communications, MELENDEZ continued to attempt to entice MINOR VICTIM to engage in sexual activity as well as attempt to convince MINOR VICTIM to take and send naked images of her body to MELENDEZ. Examples of these messages include “[y]our the cutest lil thing wish I had a pic to admire tho,” “[o]nly 7 yrs to go I guess,” and “[d]o ya even have boobs yet”? When MINOR VICTIM answered “yuh,” MELENDEZ responded “[w]hat no way lol” and then said “[y]a gonna have to sneak your dad’s phone.”

11. As they continued to message, MELENDEZ asked repeatedly for MINOR VICTIM to send him a picture. MINOR VICTIM sent a picture of her face after which MELENDEZ sent a picture of his groin area where his penis outline is visible through the clothing. He commented “[y]es had to angle my camera weird so the print showed lol”. MELENDEZ then said that wished he lived near MINOR VICTIM so that he could be her “teacher” and her “training partner.” He went on to say that he was horny from the thought of seeing MINOR VICTIM’s “booty,” after which MINOR VICTIM then sent an image of her butt (with clothes on). MELENDEZ later asked MINOR VICTIM for a picture of “[her] boobs” “or that booty bare lmao.” MELENDEZ then told the MINOR VICTIM to masturbate, saying; “Lmao ya should play with yourself jk”. MELENDEZ then asked MINOR VICTIM what she was doing; “Wyd” and MINOR VICTIM replied; “Masturbation.” Later in the messaging MELENDEZ tells MINOR VICTIM that he was going to stop with the “dirty talk” because “it’s weird having with someone young I have

kids so it's weird because if a grown man was doing this to my kids I be mad it's wrong." A few messages later, MELENDEZ sent a collage style picture of close-up images of a male's groin area. Two of these images depicted an erect penis and masturbation.

12. I reviewed a third conversation, beginning on July 10, 2020, between the MINOR VICTIM utilizing the "Bella-wolffy8" screen name and MELENDEZ who utilized the screen name "NeedAPic1012." While communicating with the MINOR VICTIM through these chats, MELENDEZ sent additional images of his penis to MINOR VICTIM while continuing to ask MINOR VICTIM to send naked images of herself. MELENDEZ's language became more graphic during this chat. These messages began with Melendez stating "Imma make a pic and after we see each other's pic I'll delete this account.t. MELENDEZ then sent an image of a penis, which he claimed to be his, saying "[a]right imma send a semi hard one first." MELENDEZ then asked MINOR VICTIM repeatedly to send naked images of herself explaining that he wanted to use the images to "help me out" and "make me bust." He asked her to "[l]et [him] see that pussy wet" and said he wanted to see "that tint (sic) pussy of yours," which he subsequently corrected as "tiny."

13. MELENDEZ continued to press MINOR VICTIM to send pictures, saying; "[t]hat's all ya gotta do and take maybe 4 pics for me." He then specifically asked for "a pic of your pussy, ass, and take a pic of your tits and face in the same one." MELENDEZ then said that after MINOR VICTIM sends the pictures, they could masturbate together. He also told her that he wanted her to give him oral sex, saying "wanna mouth fuck you." MELENDEZ then sent another image of a penis, which he claimed to be his saying "look

I'm almost fully hard help me out.” MELENDEZ continued to repeatedly ask for the images. When MINOR VICTIM said that she could not access the app from a different phone, MELENDEZ instructed her to text it to him. MELENDEZ then provided MINOR VICTIM with his phone number, “716 367 3282”. He then advised her to delete the number after, in an apparent attempt to avoid having their communications be discovered. The communications between MELENDEZ and MINOR VICTIM appeared to come to an end when they realize that “G” had become aware of their sexting. MINOR VICTIM asked; “Did you tell g”? MELENDEZ answered in part by saying; “Nope my wife did”. He went on to apologize to MINOR VICTIM by saying; “[t]his was wrong and I was pushing boundaries”. The messages between MELENDEZ and MINOR VICTIM on this account, concluded at this point.

14. On September 08, 2020, TFO Kramer and Agent Noto (FBI – New London, CT) located and identified MINOR VICTIM at her residence in Norwich, CT. They spoke with MINOR VICTIM’s mother, who consented to a forensic interview of the MINOR VICTIM.

15. On September 09, 2020, MINOR VICTIM was interviewed by a Forensic Interviewer at the New London County Multi-Disciplinary Office in New London, CT. During the interview, MINOR VICTIM described online communications and chats she had with MELENDEZ, whom she met while playing the game “Overwatch” on her PS4. During the interview, MINOR VICTIM said that she could not remember the male’s name or username. MINOR VICTIM, however, confirmed a screenshot depicting MELENDEZ

as the person with whom she communicated. MINOR VICTIM provided additional details of the communications, including that the messages from MELENDEZ became “weird.” She then defined weird as being “inappropriate.” MINOR VICTIM further explained that MELENDEZ sent images of his “private parts” to her, which made her feel uncomfortable. MINOR VICTIM was shown a screen shot of a penis sticking out of a pair of boxer shorts, which she confirmed Melendez sent to her through PS4 messages. She also confirmed receiving messages from MELENDEZ wherein he asked her to send images of her face, vagina, and breasts. MINOR VICTIM said that she felt uncomfortable being asked to send these images. She confirmed that she did take a picture of her face using her Samsung S9 Plus phone and then sent it to MELENDEZ through the PS4 app. She said that another image depicting the back side of a girl with clothes on standing in a bedroom was one she found on google. She further explained that she edited the image to pass it off as her own when sending it to MELENDEZ.

15. The phone MELENDEZ used to communicate with the MINOR VICTIM is a Motorola XT1952-4 Moto G7, Unit Identifier #1563255132. This phone was manufactured in China and found on MELENDEZ’s person in New York State. Thus, the phone was mailed, shipped, or transported in or affecting interstate or foreign commerce.


CONCLUSION

16. Based on the foregoing, the undersigned respectfully submits that there is probable cause to believe **PEDRO MELENDEZ** has violated Title 18, United States Code,

Sections 2251(a) and (e) (Attempted Production of Child Pornography) and 2422(b) (Attempted Enticement).

REQUEST FOR SEALING


17. Finally, I respectfully request that this Court to issue an Order sealing all papers submitted in support of this Application, including the Application, Affidavit, and Search Warrant, and the required inventory notice, until further order of this Court. The target of this investigation is generally aware of the existence of the investigation, however he is not aware of the scope of the investigation or the law enforcement methods used therein.



JEFFREY M. MCAULIFFE
Task Force Officer
Federal Bureau of Investigation

Sworn and subscribed to before me telephonically this

__27__ day of January 2021.



HON. JEREMIAH J. MCCARTHY
United States Magistrate Judge